

The text of this document is an accurate copy of what was filed by the initiative proponent with the Secretary of State for assignment of a serial number. The accuracy of code in amendatory sections has not been verified.

INITIATIVE 889

I, Sam Reed, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 889 to the People is a true and correct copy as it was received by this office.

AN ACT Relating to prohibiting smoking in public places where minors are allowed; amending RCW 70.160.030, 70.160.040, 70.160.050, 70.160.060, and 70.160.080; and creating new sections.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

LEGISLATIVE INTENT

NEW SECTION. **Sec. 1.** The people recognize that kids who are exposed to smoking are much more likely to smoke. In order to protect the health and welfare of our children, it is necessary to limit their exposure to smoking in public places. This measure would prohibit smoking in public places where minors are allowed. Minors are persons under the age of 18. The measure would also require local governments to abide by state law concerning smoking.

PROHIBITING SMOKING IN PUBLIC PLACES WHERE MINORS ARE ALLOWED

Sec. 2. RCW 70.160.030 and 1985 c 236 s 3 are each amended to read as follows:

No person may smoke in a public place {+ where minors are allowed +} except in designated smoking areas {+ where minors are not allowed. For the purposes of this act, "minors" mean persons under the age of 18. +}.

Sec. 3. RCW 70.160.040 and 1985 c 236 s 4 are each amended to read as follows:

(1) A smoking area may be designated in a public place by the owner or, in the case of a leased or rented space, by the lessee or other person in charge except in:

(a) Elevators; buses, except for private hire; streetcars; taxis, except those clearly and visibly designated by the owner to permit smoking; public areas of retail stores and lobbies of financial institutions; office reception areas and waiting rooms of any

building owned or leased by the state of Washington or by any city, county, or other municipality in the state of Washington; museums; public meetings or hearings; classrooms and lecture halls of schools, colleges, and universities; and the seating areas and aisle ways which are contiguous to seating areas of concert halls, theaters, auditoriums, exhibition halls, and indoor sports arenas; and

(b) Hallways of health care facilities, with the exception of nursing homes, and lobbies of concert halls, theaters, auditoriums, exhibition halls, and indoor sports arenas, if the area is not physically separated. Owners or other persons in charge are not required to incur any expense to make structural or other physical modifications in providing these areas.

Except as provided in other provisions of this chapter, no public place, other than a bar, tavern, bowling alley, tobacco shop, or restaurant, may be designated as a smoking area in its entirety {+ if minors are allowed +}. If a bar, tobacco shop, or restaurant is designated as a smoking area in its entirety, this designation shall be posted conspicuously on all entrances normally used by the public.

(2) Where smoking areas are designated, existing physical barriers and ventilation systems shall be used to minimize the toxic effect of smoke in adjacent nonsmoking areas.

(3) Managers of restaurants who choose to provide smoking areas shall designate an adequate amount of seating to meet the demands of restaurant patrons who wish to smoke. Owners of restaurants are not required to incur any expense to make structural or other physical modifications in providing these areas. Restaurant patrons shall be informed that separate smoking and nonsmoking sections are available.

(4) Except as otherwise provided in this chapter, a facility or area may be designated in its entirety as a nonsmoking area by the owner or other person in charge {+ so long as minors are not allowed +}.

Sec. 4. RCW 70.160.050 and 1985 c 236 s 5 are each amended to read as follows:

Owners, or in the case of a leased or rented space the lessee or other person in charge, of a place regulated under this chapter shall make every reasonable effort to prohibit smoking in public places {+ where minors are allowed +} by posting signs prohibiting or permitting smoking as appropriate under this chapter. Signs shall be posted conspicuously at each building entrance. In the case of retail stores and retail service establishments, signs shall be posted conspicuously at each entrance and in prominent locations throughout the place. The boundary between a nonsmoking area and a smoking permitted area shall be clearly designated so that persons may differentiate between the two areas.

Sec. 5. RCW 70.160.060 and 1995 c 369 s 60 are each amended to read as follows:

This chapter is not intended to regulate smoking in a private enclosed workplace, within a public place, even though such workplace may be visited by nonsmokers, excepting places in which smoking {+ is prohibited because minors are allowed or +} is prohibited by the chief of the Washington state patrol, through the director of fire protection, or by other law, ordinance, or regulation.

REQUIRING LOCAL GOVERNMENTS TO ABIDE BY STATE LAW CONCERNING SMOKING

Sec. 6. RCW 70.160.080 and 1985 c 236 s 9 are each amended to read as follows:

{+ (1) +} Local fire departments or fire districts and local health departments may adopt regulations as required to implement this chapter.

{+ (2) Nothing in this chapter allows a city, town, county, or other local governmental entity from adopting ordinances that conflict with state law regarding smoking in public places situated within its jurisdiction. Local governments must abide by state law concerning smoking. +}

CONSTRUCTION CLAUSE

NEW SECTION. **Sec. 7.** The provisions of this act are to be liberally construed to effectuate the policies, purposes, and intent of this act.

SEVERABILITY CLAUSE

NEW SECTION. **Sec. 8.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

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